



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent and the filing fee.

The notice of hearing was served on the tenant on July 22, 2011 by registered mail. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

The tenant moved out sometime at the end of July. The landlord found out, when she visited the unit on August 01, 2011. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for unpaid rent and the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on July 15, 2010. The monthly rent was \$825.00 plus \$35.00 for parking and was due in advance on the first of each month.

The tenant owed parking fees for May and June for a total of \$70.00. The tenant's rent cheque for July was returned for insufficient funds and on July 04, 2011, the landlord served the tenant with a ten day notice to end tenancy for non payment of rent.

The tenant moved out without paying rent and other outstanding dues. On August 01, 2011, when landlord found out that the tenant had moved out, she immediately advertised the availability of the unit. The landlord stated that she placed advertisements on line and in the local papers, including the Russian and Polish papers but was not able to find a tenant for August. In addition the landlord stated that the tenant left the unit in a dirty condition. The landlord is claiming parking fees for May and June (\$70.00), rent and parking fees for July (860.00), NSF fees (\$25.00), late fees, (\$25.00), rent for August 2011(\$825.00) and the filing fee (\$50.00) for a total of \$1,855.00

Analysis

Based on the sworn testimony of the landlord and in the absence of contradictory evidence from the tenant, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to her monetary claim. Since the landlord has proven her claim, she is also entitled to the recovery of the filing fee.

Overall the landlord has established a total claim of \$1,855.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$1,855.00**

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 23, 2011.

Residential Tenancy Branch